



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2613

DATE SCANNED 3/29/13

SCANNER NO. 2

SCAN OPERATOR SES

13092683103



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 DEC -7 PM 3: 13

December 7, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: *[Signature]* Alec Palmer *[Signature]*
Staff Director

FROM: Patricia C. Orrock *[Signature]* AC for PO
Chief Compliance Officer

Debbie Chacona *[Signature]*
Assistant Staff Director
Reports Analysis Division

BY: *[Signature]* Jodi Winship/Sari Pickeral *[Signature]*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 October Quarterly Report
(Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 October Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 October Quarterly Report was due on October 15, 2012.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 OCTOBER QUARTERLY Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2606	C00130658	AMERICAN CONSERVATIVE UNION		MELISSA BOWMAN	\$246,687	0	10/24/2012	Not Filed	\$87,683	\$1,650

2609	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$138,006	4	11/30/2012	Not Filed	\$26,818	\$2,800
2610	C00293100	NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS		ALVIN FELICIANO	\$126,383	1	10/31/2012	Not Filed	\$9,202	\$337
2611	C00131706	PIPEFITTERS LOCAL UNION #524		MICHAEL TIGUE III	\$115,006	0	11/1/2012	Not Filed	\$17,975	\$320

2613	C00488387	TRI-STATE MAXED OUT WOMEN		MARCIA DICKSTEIN SUDOLSKY	\$542,881	0	10/22/2012	7	\$90,025	\$1,430
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13092683107

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation)	
Recommendation - 2012 October Quarterly)	
Report (Election Sensitive) for the)	
Administrative Fine Program:)	
AMERICAN CONSERVATIVE UNION,)	AF# 2606
and BOWMAN, MELISSA MRS. as)	
treasurer;)	
LIBERTARIAN PARTY OF INDIANA,)	AF# 2609
and TODD SINGER as treasurer;)	
NAADAC THE ASSOCIATION FOR)	AF# 2610
ADDICTION PROFESSIONALS, and)	
ALVIN FELICIANO as treasurer;)	
PIPEFITTERS LOCAL UNION #524, and)	AF# 2611
MICHAEL TIGUE III as treasurer;)	
TRI-STATE MAXED OUT WOMEN, and)	AF# 2613
SUDOLSKY, MARCIA DICKSTEIN as)	
treasurer;)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on December 11, 2012 the Commission took the following actions on the Reason To Believe Recommendation Recommendation - 2012 October Quarterly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 07, 2012, on the following committees:

AF#2606 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN CONSERVATIVE UNION, and BOWMAN, MELISSA MRS. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2609 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2610 Decided by a vote of 6-0 to: (1) find reason to believe that NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS, and ALVIN FELICIANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2611 Decided by a vote of 6-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and MICHAEL TIGUE III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2613 Decided by a vote of 6-0 to: (1) find reason to believe that TRI-STATE MAXED OUT WOMEN, and SUDOLSKY, MARCIA DICKSTEIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 11, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 2012

Marcia Dickstein Sudolsky, in official capacity as Treasurer
Tri-State Maxed Out Women
445 Park Avenue, 9th Floor
New York, NY 10022

C00488387

AF#: 2613

Dear Ms. Sudolsky:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through September 30, 2012, shall be filed no later than October 15, 2012. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 22, 2012, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On December 11, 2012, the FEC found that there is reason to believe ("RTB") that Tri-State Maxed Out Women and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,430. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,430 is due within forty (40) days of the finding, or by January 20, 2013, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$90,025

Number of Days Late: 7

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 20, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Tri-State Maxed Out Women and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,430 for the 2012 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 20, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Tri-State Maxed Out Women

FEC ID#: C00488387

AF#: 2613

PAYMENT DUE DATE: January 20, 2013

PAYMENT AMOUNT DUE: \$1,430

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB 22 PM 3: 53

February 22, 2013

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2012 October Quarterly Report (Election Sensitive)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 October Quarterly Report.¹ The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

¹ Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees.

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Also, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Natl Assn of Alcoholism/Drug Abuse Counselors Political Action Committee (AF 2610) filed an Amended Statement of Organization after the RTB finding designating John Lisy as Treasurer (see first list).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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2/22/2013 1:55 PM

Federal Election Commission
FD Circulation Report Fine Paid
2012 OCTOBER QUARTERLY Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2606	AMERICAN CONSERVATIVE UNION		C00130656	MELISSA BOWMAN	10/24/2012	Not Filed	\$87,663	0	12/11/2012	\$1,650	\$1,650	01/23/2013	\$1,650
2609	LIBERTARIAN PARTY OF INDIANA		C00426320	TODD SINGER	11/30/2012	Not Filed	\$26,818	4	12/11/2012	\$2,800	\$2,800	01/23/2013	\$2,800
2610	NATL ASSN OF ALCOHOLISM/DRUG ABUSE COUNSELORS POLITICAL ACTION COMMITTEE		C00293100	JOHN LISY	10/31/2012	Not Filed	\$15,357	1	12/11/2012	\$337	\$337	02/19/2013	\$337
2611	PIPEFITTERS LOCAL UNION #524		C00131706	MICHAEL TIGUE III	11/01/2012	Not Filed	\$17,975	0	12/11/2012	\$320	\$320	12/18/2012	\$320
2613	TRI-STATE MAXED OUT WOMEN		C00468387	MARCIA DICKSTEIN SUDOLSKY	10/22/2012	7	\$68,575	0	12/11/2012	\$1,430	\$1,430	01/24/2013	\$1,430

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 2012 October)
Quarterly Report (Election Sensitive):)
AMERICAN CONSERVATIVE UNION,) AF# 2606
and BOWMAN, MELISSA MRS. as)
treasurer;)

LIBERTARIAN PARTY OF INDIANA,) AF# 2609
and TODD SINGER as treasurer;)
NATL ASSN OF ALCOHOLISM/DRUG) AF# 2610
ABUSE COUNSELORS POLITICAL)
ACTION COMMITTEE, and JOHN LISY)
as treasurer;)
PIPEFITTERS LOCAL UNION #524, and) AF# 2611
MICHAEL TIGUE III as treasurer;)

TRI-STATE MAXED OUT WOMEN, and) AF# 2613
SUDOLSKY, MARCIA DICKSTEIN as)
treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 26, 2013 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 2012 October Quarterly Report (Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated February 22, 2013, on the following committees:

AF#2606 Decided by a vote of 5-0 to: (1) make a final determination that AMERICAN CONSERVATIVE UNION, and BOWMAN, MELISSA MRS. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2609 Decided by a vote of 5-0 to: (1) make a final determination that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2610 Decided by a vote of 5-0 to: (1) make a final determination that NATL ASSN OF ALCOHOLISM/DRUG ABUSE COUNSELORS POLITICAL ACTION COMMITTEE, and JOHN LISY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners

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Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2611 Decided by a vote of 5-0 to: (1) make a final determination that PIPEFITTERS LOCAL UNION #524, and MICHAEL TIGUE III as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2613 Decided by a vote of 5-0 to: (1) make a final determination that TRI-STATE MAXED OUT WOMEN, and SUDOLSKY, MARCIA DICKSTEIN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 27, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

13092683119



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 2013

Marcia Dickstein Sudolsky, in official capacity as Treasurer
Tri-State Maxed Out Women
445 Park Avenue, 9th Floor
New York, NY 10022

C00488387
AF#: 2613

Dear Ms. Sudolsky:

On December 11, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Tri-State Maxed Out Women and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 October Quarterly Report. By letter dated December 12, 2012, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$1,430 in accordance with the schedule of penalties at 11 CFR § 111.43.

On January 24, 2013, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 26, 2013 that Tri-State Maxed Out Women and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$1,430 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Chair

13092683120

FOR: Tri-State Maxed Out Women

FEC ID#: C00488387

AF#: 2613

PAYMENT DUE DATE: January 20, 2013

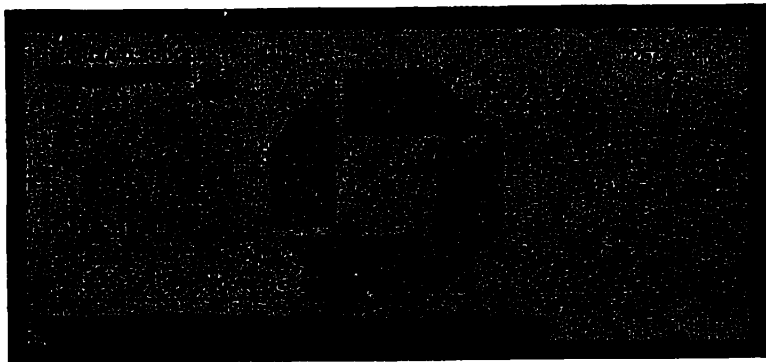
PAYMENT AMOUNT DUE: \$1,430

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/23/2013

usbank.

St. Louis GA Lockbox
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
2	1	Y-3003933	\$1,430.00	\$1,430.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2613

DATE SCANNED

3/29/13

SCANNER NO.

2

SCAN OPERATOR

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